

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) AMERICAN HOME ASSURANCE COMPANY, a New York Corporation, §
§
§
§ Plaintiff, § Case No. 13-CV-20-JED-PJC
v. §
§
§
§
(1) AGRICO CHEMICAL COMPANY, §
n/k/a MOSAIC FERTILIZER, LLC, §
a Delaware Limited Liability Company, §
§
§ Defendant. §

PLAINTIFF'S NOTICE OF DISMISSAL

Plaintiff, American Home Assurance Company, files its notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as follows:

I. FACTS

Plaintiff, American Home Assurance Company, is a New York Corporation that issued a workers compensation insurance policy (Policy) to Defendant Agrico Chemical Company n/k/a Mosiac Fertilizer, LLC, a Delaware Limited Liability Company.

On January 10, 2013, as a result of a potential claim made under the Policy, Plaintiff sued Defendant in this Court seeking a declaration of the parties' rights and responsibilities under the insurance contract at issue. Defendant was served with process on January 29, 2013, but has not served its Answer or a motion for summary judgment to date. Following the filing of this suit, Plaintiff and Defendant reached a resolution of the issues raised in this lawsuit and executed a an agreement settling this matter.

II. NOTICE OF DISMISSAL

This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2. A receiver has not been appointed in this case. This case is not governed by any federal statute that

requires a court order for dismissal of the case. Further, Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) & (B), Plaintiff dismisses this case with prejudice.

Respectfully submitted,

HOLDEN & CARR

s/ Michael L. Carr

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, this document was served via U.S. Mail return receipt requested on the following party, who has yet to appear in the matter:

Agrico Chemical Company, n/k/a Mosaic Fertilizer, LLC
3033 Campus Drive, Suite E490
Plymouth, Minnesota 55441

s/ Michael L. Carr

Michael L. Carr